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99 CENTS ONLY STORES LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LASHAWNNA MITCHELL individually,

Plaintiff,

v.

99 CENTS STORE ONLY, LLC, DOES 1-20
and ROE BUSINESS ENTITIES 1-20,
inclusive,

Defendants.

CASE NO.: 2:20-cv-01559-JCM-DJA

**STIPULATION FOR
EXTENSION OF TIME
(SECOND REQUEST)**

Plaintiff, LASHAWNNA MITCHELL, and Defendant, 99 CENTS STORE ONLY, LLC, by and through their undersigned counsel, submit to the Court the following Stipulation and Order for Extension/Modification of the Discovery Plan and Scheduling Order (Document #8) pursuant to LR 26-3.

I. Local Rule 6-1

Under LR IA 6-1(a) every motion to extend time must inform the court of any previous extensions granted and state the reason for the extension requested.

A. The Requirement of Local Rule 26-3 Is Satisfied

This is the second request for extension filed by the parties. Due to scheduling issues, the parties have agreed to allow additional time for discovery to conduct an Independent Medical Examination of

1 Plaintiff, as well as provide expert disclosures. Local Rule 26-3 requires that extensions must be received
2 by the court within 21 days of any deadline. The current initial expert deadline is May 5, 2021. Therefore,
3 the parties are requesting this extension more than 21 days prior to the expiration of the deadline.
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5 **II. Local Rule 26-3(a)**

6 Under LR 26-3(a) a statement specifying the Discovery completed:

7 Both Plaintiff and Defendant have exchanged their initial documents and witness disclosures.
8 Defendant served their initial disclosures on September 18, 2020. Plaintiff served her initial disclosures on
9 September 15, 2020.
10

11 Defendant served discovery requests upon Plaintiff on September 18, 2020 in the form of Request
12 for Admissions, Request for Production of Documents, and Interrogatories. Plaintiff's responses to
13 Defendant's written discovery were received on October 19, 2020. The deposition of Plaintiff was taken on
14 January 13, 2021.
15

16 Plaintiff's served Defendant discovery requests in the form of Interrogatories and Request for
17 Production of Documents on September 15, 2020. Plaintiff received Defendant's response to Request for
18 Production of Documents on October 15, 2020. Plaintiff took the deposition of Defendant's FRCP 30(b)(6)
19 witness, Robert Holmes on January 27, 2021.
20

21 **III. Local Rule 26-3(b)**

22 Under LR 26-3(b) a specific description of the Discovery that remains to be completed:

23 The remaining Discovery to be completed includes Plaintiff to undergo an Independent Medical
24 Examination, initial and rebuttal expert disclosures, initial and rebuttal experts' depositions, employees,
25 depositions of percipient witnesses, and depositions of Plaintiff's treating providers. The parties may also
26 agree to complete further discovery derived from the discovery listed above.
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1 **IV. Local Rule 26-3(c)**

2 Under LR 26-3(c) the reasons why Discovery remaining was not completed within the time limits
3 set by the Discovery Plan:

4 Due to the availability of Plaintiff versus Defendant's medical expert, the Independent Medical
5 Examination is scheduled for May 13, 2021 which is passed the current initial expert deadline of May, 5,
6 2021.
7

8 **V. Local Rule 26-3(d)**

9 The parties agree and jointly request an extension of 60 days for the discovery deadlines;
10 Under LR 26-3(d) a proposed schedule for completing all remains Discovery:
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12 (i) Discovery cutoff dates: Extend the current Discovery cutoff date from July 2, 2021 to a

13 Discovery cutoff date of August 31, 2021;

14 (ii) Expert witness disclosures from May 5, 2021 to a new date of July 2, 2021;

15 (iii) Rebuttal expert witness disclosures from June 4, 2021 to August 1, 2021;

16 (iv) Submittal of Dispositive Motions from August 3, 2021 to October 1, 2021; and

17 (v) Submittal of the Joint Pre-Trial Order (if no Dispositive Motions are filed) to be extended
18 from September 2, 2021 to December 31, 2021.
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Therefore, good cause existing, counsel jointly request that this Honorable Court allow the above proposed extended Discovery dates.

DATED this 14th day of April, 2021.

DATED this 14th day of April, 2021.

RICHARD HARRIS LAW FIRM

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ORDER

IT IS SO ORDERED

Dated this 15th day of April, 2021.


UNITED STATES MAGISTRATE JUDGE